

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet replaces the original sheet(s) including Fig(s). 2.

Attachment: Replacement Sheet(s)

Annotated Sheet Showing Changes

Remarks

Reconsideration of the present amendment, as amended, is respectfully requested.

Of previously pending claims 1-7 and 9-21, all were rejected. All claims were rejected under 35 U.S.C. §112, first paragraph, for failing to meet the enablement requirement since the independent claims recite, “optical amplifier or amplifying optical signal.” The Examiner reasoned that, “There is no structure or circuit diagram to teach a person of ordinary skill how such an optical amplifier is connected in the system. Fig. 1 of the disclosure shows optical amplifier (106) provided for amplifying main optical signal and the tapped portion of the signal. Therefore, based on this the specification fails to provide enabling disclosure for the claims.”

The applicants respectfully disagree and point to the specification at page 8, line 22 to page 9, line 1, as originally submitted. A substitute drawing for Fig. 2 to illustrate that part of the specification is hereby submitted and the specification is amended to reflect the change in the drawings.

Claims 1-4, 6, 11-13, 16, 17 and 21 (which include all independent claims 1, 6, 12, 17) were rejected under 35 U.S.C. §102(b) as being anticipated by newly cited U.S. Patent No. 6,690,884, which issued February 10, 2004 to M.A. Kelty *et al.* in view of U.S. Patent No. 6,570,686, which issued May 27, 2003 to B.H. Kim. The Examiner stated:

Kelty et al disclose optical monitoring system in which optical signal is tapped and differ from the claimed invention in that Kelty et al do not disclose amplifying the tapped operation signal . Kim teaches the use of optical amplifier for amplifying a tapped portion of the operation signal (see Fig. 4 and col. 4, lines 44-49). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide optical amplifier to amplify the tapped portion of the optical signal as taught by Kim to the system of Kelty et al. It is well known that signal level degrades as it travels the transmission medium, therefore one of ordinary skill would have been motivated to provide optical amplifier to amplifier degraded optical signal in order to increase signal strength.

The applicants disagree. With due respect, the Kim patent reference has no teaching as suggested by the Examiner. In the cited portion of the reference, Kim describes, “As shown in FIG. 4, an optical tap coupler 400 receives optical transmission signals and splits the received optical signals in the ratio of 99:1 or 97:3, then feeds the divided optical signal to an optical amplifier 402 and a performance monitor 404, respectively.” As the applicants understand the Kim reference, a small portion of the optical transmission signals goes to the coupler 410 and the large balance of the transmission signals go to the optical amplifier 402. Besides the drawing, the word, “respectively,” at the end of the quoted sentence implies this division. The applicants assume that the Examiner meant that the small portion was analogized to the applicants’ tapped portion forming a first measurement signal, as recited, for example, in independent claim 1. On the other hand, the Kim reference shows that the untapped portion of the transmission signals are optically amplified. The applicants show this in Fig. 1 of their application but do not claim this as their invention.

Therefore, independent claims 1, 6, 12 and 17 are not obvious over the cited Kelty and Kim references and should be allowed. Dependent claims 2-5, 7, 9-11, 13-16 and 18-21 should also be allowable for at least being dependent upon an allowable base claim.

Therefore, in view of the amendments above and the remarks directed thereto, the applicants request that all rejections be removed, that claims 1-7 and 9-21 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of the application, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

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